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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION &
FORESTRY
MAINE LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

WALTER E. WHITCOMB
COMMISSIONER

PERMIT

DEVELOPMENT PERMIT DP 4955

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by William R. Cushing for Development Permit DP 4955, finds the following facts:

1. Applicant: William R. Cushing
131 North Street
Bath, Maine 04530
2. Date of Completed Application: May 12, 2014
3. Location of Proposal: T3 R12 WELS, Piscataquis County
Part of Plan 02, Lot 01
4. Zoning: (D-GN) General Development Subdistrict
5. Lot Size: 12.3 Acres (leased Prentiss and Carlisle)
6. Sewage Disposal: None
7. Principal Buildings: Two Pre-LUPC 50 foot by 100 foot Dry Sheds.
Dry Shed Number 1 in use. Dry Shed Number 2 has collapsed.
Proposed 40 foot by 100 foot steel Quonset Storage Shed

Background

8. The applicant's lot is developed with two Pre-Commission 50 foot by 100 foot Storage Dry Sheds on the 12.3 acre lease lot of Prentiss and Carlisle with 400 feet of frontage on the Chesuncook Lake Road. One of the Storage Dry Sheds has collapsed on itself.

Proposal

9. The applicant proposes to construct on a permanent foundation (as a replacement for the collapsed 50 foot by 100 foot Dry Shed) a 40 foot by 100 foot steel Quonset Storage Shed 18 feet in height on the 12.3 acre leased parcel. The Quonset Storage Shed would be setback 90 feet from the Chesuncook Lake Road and 90 feet from property boundary lines. The applicant also proposes to create a new 90 foot driveway to the proposed structure from the Chesuncook Lake Road. There is no proposed plumbing or wastewater disposal system for the proposed structure.

NICHOLAS LIVESAY, EXECUTIVE DIRECTOR

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Review Criteria

10. Under provisions of Section 10.21,C,3,c,(29) of the Commission's Land Use Districts and Standards other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale, and intensity as other allowed uses are an allowed use in a (D-GN) General Development Subdistrict requiring a permit.
11. Under provisions of Section 10.21,C,3,c,(8) of the Commission's Land Use Districts and Standards driveways are an allowed use in a (D-GN) General Development Subdistrict requiring a permit.

Review Comments

12. The proposal was reviewed by Prentiss and Carlisle (lessor) and they approved the proposal upon issuance of a permit by the Land Use Planning Commission
13. The facts are otherwise as represented in Development Permit Application DP 4955 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. Under provisions of Section 10.21,C,3,c,(29), of the Commission's Land Use Districts and Standards, within a General Development Subdistrict (D-GN), the new construction and relocation of the new Storage Dry Shed is allowed upon issuance of a permit from the Commission and subject to the applicable requirements set forth in Sub-Chapter III.
2. Under provisions of Section 10.21C,3,c,(8) of the Commission's Land Use Districts and Standards non-residential driveways is allowed in the (D-GN) General Development Subdistrict upon issuance of a permit,
3. The proposed development complies with the minimum dimensional requirements of Section 10.26 of the Commission's Land Use Districts and Standards. Specifically, the proposed development complies with the minimum lot size, minimum road frontage, minimum setbacks, minimum lot coverage and maximum structure height.
4. The proposed development complies with all other applicable requirements set forth in Sub-Chapter III of the Commission's Land Use Districts and Standards.
5. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.


Therefore, the staff approves the application of William R. Cushing with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
3. The General Standards for Filling and Grading (ver. 7/02) with Guidelines for Soil Stabilization (ver. 10/00), a copies of which are attached.
4. All structures and parking areas authorized pursuant to this permit shall be set back a minimum of 75 feet from nearest roadways (this requirement does not apply for a dead end access driveway into the facility) and 25 feet from property boundary lines.
5. Structures authorized under this permit must not be sited on a ridge or knoll such that they are visible above the tree line from any water body. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
6. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
7. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
8. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
9. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

10. Once construction is complete, the permittee shall submit a Certificate of Self Compliance, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
11. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 16th DAY OF MAY, 2014.



For Nicholas Livesay, Director